
Appeal Decision

Hearing held on 14 April 2026

Site visits made on 14 and 15 April 2026

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2026

Ref: APP/M2840/W/25/3366988

New Barn Farm Industrial Estate, Brick Kiln Road, Raunds, NN9 6HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr C Hodgson of R Hodgson and Sons Ltd against the decision of North Northamptonshire Council.
 - The application Ref is NE/23/01228/FUL.
 - The development proposed is mixed use employment development (extension of existing industrial estate), external works, landscaping and improvements to existing access.
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Decision

1. The appeal is allowed and planning permission is granted for a mixed use employment development (extension of existing industrial estate), external works, landscaping and improvements to existing access at New Barn Farm Industrial Estate, Brick Kiln Road, Raunds, NN9 6HY in accordance with the terms of the application ref: NE/23/01228/FUL and subject to the conditions in the attached schedule.

Preliminary matters and applications for costs

2. This is 1 of 4 appeals heard at the same Hearing on adjoining sites and essentially comprises the extension of an existing employment site together with the erection of one new building within the existing site. Throughout the determination of the appeals it has been referred to as Appeal D for ease of reference. Appeals A¹, B² and C³ are the subject of separate decisions.
3. Applications for costs in relation to the appeals were made by the appellants against the council. These are the subject of a separate decision.
4. At the Hearing the council confirmed that it was not seeking to defend the reasons for refusal relating to the site's rural location or the provision of open space. Subject to completion of the circulated planning obligation it also did not seek to defend the reason for refusal relating to monitoring of the submitted travel plan.
5. The National Planning Policy Framework was updated on 17 August. The update does not substantially alter the objective of conserving and enhancing the natural environment as it applies to protected sites and species. The parties' views were therefore not sought on the update.

¹ Planning Inspectorate ref: APP/M2840/W/25/3366989

² Planning Inspectorate ref: APP/M2840/W/25/3364729

³ Planning Inspectorate ref: APP/M2840/W/25/3364730

Main Issues

6. The main issue in the determination of this appeal is therefore the effect on the Upper Nene Valley Gravel Pits Special Protection Area, with particular regard to wintering birds.

Reasons

7. The appeal site lies within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (the SPA). The SPA is a disused sand and gravel pit comprising an extensive series of shallow and deep open waters together with marginal features such as sparsely-vegetated islands, gravel bars and shorelines. It provides a habitat for wintering waterbirds, with more than 2 percent of the British population of Great Bittern and European Golden Plover using the site, along with more than 1 percent of the population of Gadwall. Northern Lapwing are also considered to be a feature of interest of the SPA, although not cited as a qualifying feature. Suitable sites within the zone of influence can also provide habitats for wintering waterbirds and are functionally linked to the SPA, so support its objectives.
8. Whether the appeal proposal would be likely to result in a significant effect to the SPA, and whether the site comprises functionally linked land to the SPA, was the subject of considerable discussion at the Hearing, and I am mindful that the precautionary approach should be taken where doubt exists over the extent of any impact to an SPA. One set of site surveys was provided by the appellant for the preceding winter⁴, indicating that no wintering birds were present on site. Natural England consider that two years of surveys should be provided⁵. This is due to the potential for substantial year-to-year differences in winter habitat availability and bird densities, driven by factors such as weather, hydrology, cropping patterns and food resource distribution. Natural England do note that shorter survey periods can be justified in low-risk situations⁶.
9. The survey for the appeal site records that the site is of limited value for nesting birds as it lacks features that they would prefer, such as bodies of water, and comprises grazed paddocks and an area of unmanaged grassland. My attention was drawn to the case of *Boggis*⁷ which established that a significant effect is one that would undermine the conservation objectives of a European Site that is based on a clear, causal link between the plan or project and the qualifying features of the site. The winter survey conducted by Turnstone Ecology found no records of Great Bittern in the closest part of the SPA to the appeal site. The appeal site does not contain suitable habitats for Gadwall as it lacks standing water bodies and is composed mainly of grazed paddocks and an area of unmanaged grassland. Only a relatively small number of Golden Plover were recorded in the closest part of the SPA, with only one record rising above 1 percent of the British population. Those parts of the SPA closest to the appeal site are not of importance for wintering Northern Lapwing.

⁴ Brick Kiln Road, Raunds, Functionally Linked Land (FFL) Assessment and Winter Bird Survey Report 2025 – 2026, dated February and prepared by Turnstone Ecology. This survey informs both Appeal A and Appeal D as the sites adjoin one another and overlap in one place.

⁵ Natural England consultation responses on application NE/23/01228/FUL dated 23 December 2024, and on applications NE/23/01242/OUT and NE/23/01228/FUL dated 26 March 2026

⁶ Natural England consultation response dated 26 March 2026

⁷ R (Boggis) v Natural England [2008] EWHC 2954 (Admin) and Court of Appeal Judgement [2009] EWCA Civ. 1061

10. The Turnstone Ecology survey covered the appeal sites and fields to the north, as the proximity of suitable fields can lead to birds being present on a site. Within the appeal site the fields were variously found to comprise unsuitable habitat due to their sub-optimal size, grazing and the presence of commercial activity and residential development on neighbouring land overall providing limited high-quality feeding conditions. The agricultural land to the north would be sub-optimal due to cropping of the land and the nearby built development. The extent of grazing or cropping of any land can vary, and low post and wire fences of the sort dividing Field 2 may not impede birds. However, no records of Golden Plover, Gadwall or Lapwing being present on site were found on any of the survey visits, while foxes were found to be present on several occasions which would deter such birds on site.
11. This indicates that the appeal site does not constitute functionally linked land to the SPA. The results of the survey were not challenged by competing technical evidence, either in written evidence or during the Hearing. In this instance, therefore, I am satisfied that this is a low-risk situation. The evidence from one winter's survey is sufficient for me to conclude that there would be no risk to the integrity of the SPA through loss of supporting functionally linked land.
12. The council referred to the Threeways appeal⁸, the STAUNCH challenge⁹, and the Wood Lodge appeal¹⁰ in its 30 March request to further postpone the Hearing. Each of these addresses the matter of whether sufficient evidence was provided to support the claimed position in relation to functionally linked land. The details of the STAUNCH challenge are not before me so I can only note that it was in process at the time of submission, and it is not clear whether the original decision has been upheld or overturned. However, I note that in the Threeways appeal the submitted survey found that suitable habitat occurs throughout the survey area. In the Wood Lodge case there was competing evidence that the appeal site was in use by golden plover and lapwing, with my colleague finding significant doubt that the appellant's surveys were robust enough to show that the appeal site was not used as foraging grounds. These results differ from the evidence submitted in support of Appeals A and D, and therefore they do not lead me to a different conclusion in this case.
13. The council further notes that the public have not been consulted on evidence submitted at appeal. However, interested parties were notified of both the original and reorganised Hearing dates and those notification letters included a link to the council's planning application website and advised that the list of documents would be updated as the appeal proceeds. I am satisfied that proportionate consultations were carried out, given the relatively low level of public interest in these appeals.
14. The appeal proposal would not therefore conflict with policy 4 of the North Northamptonshire Joint Core Strategy or policies R16 and R19 of the Raunds Neighbourhood Plan. These require, amongst other things, that development not cause any adverse impact to the SPA including through the disturbance of sensitive habitats. It would also accord with the aims of the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document to avoid or mitigate adverse effects to the SPA.

⁸ APP/X1545/W/25/3369961, Land South of Threeways and 45 The Street, Latchingdon, Essex

⁹ An application for judicial review between the King (on behalf of STAUNCH Campaign Ltd) and North Northamptonshire Council and I. M. Properties (claim no. AC-2025-LON-004708)

¹⁰ APP/M2840/W/24/3354297

Other Matters

15. A signed unilateral undertaking was provided with the appeal which secures contributions for the monitoring of the travel plan provided with the planning application. The travel plan aims to limit the effect of the development on the local highway network by encouraging the use of alternative methods of transport. This has been agreed with the council as meeting the needs directly arising from the development, including supporting local infrastructure, and is necessary to make the development acceptable in planning terms, directly related to it and fairly and reasonably related in scale and kind. The undertaking is therefore acceptable.
16. The Town Council expressed concerns about additional traffic, particularly heavy goods vehicles, and disturbance to neighbours. The development would be sited alongside an existing industrial area with a wide access road leading to the highway. The highways consultee reviewed the submitted evidence and raised no objection to the development in terms of traffic generation. While the development would result in an increase in traffic, I visited the site on 4 occasions at different times of day before and after the Hearing and did not see anything to lead me to find otherwise.
17. Shortly before the Hearing opened Anglian Water raised concerns over the proximity of one of the proposed buildings to their infrastructure. This was discussed at the Hearing, and it was confirmed that the pipe had been accounted for in the layout of the development, including canting one corner of the nearest building to avoid intruding on the safeguarded area.

Conditions

18. The appellants and council discussed the proposed conditions at length, and they were discussed further at the Hearing. I have reviewed the conditions in accordance with the tests set out in national planning practice guidance and, where necessary, amended the wording of conditions accordingly. The appellants gave their agreement for some conditions to require action on their part pre-commencement of works at the Hearing.
19. Condition 1 sets the limit for commencement of the approved development. Condition 2 specifies the approved plans from those provided in evidence.
20. Condition 3 requires the verification of the installed surface water drainage system prior to first occupation of any of the approved buildings. Conditions 4 and 5 require noise management measurements either during or after construction.
21. Conditions 6 and 8 state that no burning of materials shall take place on site during construction, demolition or site preparation works, and that dust shall be managed, both to prevent nuisance to neighbouring occupiers. Condition 7 requires that vehicles related to the construction of the development not be parked off-site. This is to prevent obstruction of the public highway.
22. Condition 9 requires the approval and implementation of a landscaping scheme for the site, to ensure that the overall appearance of the development is acceptable. Conditions 10 to 12 secure the updating of badger surveys and a mitigation strategy report, as well as the agreement and implementation of construction and landscape ecological management plans. These are to ensure that the ecological impact of the development is acceptable.

23. Condition 13 secures the implementation of a programme of archaeological works at the site. Condition 14 requires the implementation of a scheme of foul water drainage management at the site. Condition 15 requires the provision of the approved access prior to first occupation of the buildings. Condition 16 requires that the development proceed in accordance with the approved Travel Plan to encourage the use of sustainable transport measures. Condition 17 requires the approval and implementation of a construction traffic management plan to ensure that the effect on the local highway network is acceptable.
24. Conditions 18 to 23 relate to the detection and, where necessary, management of contamination at the site. At the hearing the appellant referred to a Phase 1 report that has been submitted for the site and suggested that condition 18 is already satisfied. However, the consultee comments suggest that this report doesn't cover the entire site. For the sake of certainty, therefore, it is reasonable to require the submission of additional information, or at least clarification of the extent of information already submitted.
25. Finally condition 24 requires the approval and implementation of a plan for the management and maintenance of the open space within the site. This is for the benefit of users of the space.

Conclusion

26. The appeal proposal accords with the development plan. There are no material considerations to indicate that a decision should be taken otherwise than in accordance with it. Consequently, for the reasons set out above, the appeal is allowed.

M Chalk

INSPECTOR

Appearances

The Hearing heard from the following representatives of the parties:

For the appellants

Tom Cosgrove KC	
Mark Flood	Director, Insight Town Planning Ltd
Andrew Baker	Director, Baker Consultants Ltd
Mark Gash	Director, Turnstone Ecology
Benjamin Arrowsmith	Senior Associate, Roythornes
Alan Brown	Director, Alan Brown Development Services Ltd

For the council

Lisa Greenwood	Principal Development Management Officer
Pete Baish	Lead Officer
Alex Chrusciak	Head of Planning Transformation

Annex 1: Schedule of conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing nos:
 - 00103 E11A drainage plan
 - 11231.LSP.005C Landscape plan
 - 25273 08 020 02 Industrial access
 - H NR 23 010D block plan sheet 1*
 - H NR 23 011D proposed site plan blocks A to D*
 - H NR 23 012A block A plans and elevations
 - H NR 23 013B block B plans and elevations
 - H NR 23 014A block C plans and elevations
 - H NR 23 015 block D plans and elevations
 - H NR 23 017 site sections
 - H NR 23 019A location plan
 - H NR 23 020A block plan sheet 2
 - H NR 23 021 site plan blocks A to D
 - H NR 23 022 site plan block E
 - H NR 23 016A block E plans and elevations
3. Prior to first occupation of the approved development, a Verification Report for the installed surface water drainage system for the site based on the Flood Risk Assessment, Ref: R-00103-002-FRA-0, prepared by SEA Consulting Engineers in June 2023, shall be submitted in writing by a suitably qualified drainage engineer and approved by the local planning authority. The details shall include:
 - a) Any departure from the agreed design is in keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc (if required / necessary)
 - e) CCTV confirmation that the system is free from defects, damage and foreign objects.
4. Noise arising from activities within the development hereby permitted shall not exceed the typical background sound level during the day, evening or night at the closest residential receptors to the site, when assessed in accordance with the methodology and principles set out in BS4142:2014 Methods for rating and assessing industrial and commercial sound (or any amendments or modifications).
5. No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays.
6. There shall be no burning of any material on site during construction, demolition or site preparation works.

7. Construction vehicles, including delivery vehicles and those used in the demolition and clearance of the site, must not park on the public highway outside the development site at any time of the day or night unless specifically agreed in writing with the local planning authority. Vehicles must enter the site immediately and must leave the site in a safe and controlled manner. The public highway shall not be used as a holding area for deliveries. There shall be no contractor parking on the public highway at any time.
8. During the demolition and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and enclosed chutes or take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site.
9. Notwithstanding the submitted details, prior to first occupation of the development a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, any existing trees to be retained, the layout, contouring and surfacing of all open space areas, hard and paved surfacing, external lighting and traffic management signage shall be submitted to and approved by the local planning authority. The development shall thereafter proceed in accordance with the approved details.

The submitted details shall include a timetable for the implementation of the approved works, notwithstanding which the soft landscaping shall be carried out no later than the first planting season and seeding season following first occupation of any of the approved buildings. Any newly approved trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

10. No development (including ground works or vegetation clearance) shall take place until an updated badger survey and mitigation strategy report has been submitted to and approved in writing by the local planning authority, no more than six months in advance of the likely commencement date. This is to include the following details:
 - i) The current status of any setts within the development zone of influence;
 - ii) Whether a licence will be required;
 - iii) The location and construction of an artificial sett (if required);
 - iv) timing of works;
 - v) site precautions to ensure badgers do not become trapped in trenches/excavations.

All works are to proceed strictly in accordance with the approved report.

11. No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan for biodiversity (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following details:
 - a) Identification of potentially damaging construction activities;

- b) Identification of biodiversity protection zones;
- c) Practical measures and sensitive working practices to avoid or reduce impacts during construction;
- d) Timing of works to avoid harm to nesting birds;
- e) Responsible persons for overseeing sensitive works;
- f) Use of protective fencing where required.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details

12. No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following details:

- a) description and evaluation of the features to be created/managed
- b) aims and objectives of management
- c) appropriate management options for achieving aims and objectives
- d) prescriptions for management actions
- e) work schedule
- f) species/seed mixes to be planted/sown
- g) ongoing monitoring and remedial measures

The development shall thereafter only proceed in accordance with the approved details.

13. No development shall take place within the area of archaeological interest until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation.
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation.
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork.
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the local planning authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority.

14. No building shall be used until details of a scheme for the provision of foul water drainage on and off site has been submitted to and approved in writing by the local planning authority. No buildings shall be occupied until the works have been carried out in accordance with the approved scheme.

15. Prior to the first occupation of the development the approved access shall be laid out in accordance with the approved plan 25273_08_020 02 and surfaced in a hard bound material and drained within the site. The access, surfacing and drainage shall thereafter be maintained and retained as such in perpetuity.
16. The development hereby approved shall be implemented strictly in accordance with the approved Travel Plan (MEC Consulting Group, May 2024, report reference 25273-TRAN-0802 Rev A). 'The Action Plan and Budget' (see page 34) shall be implemented in full in accordance with the stated triggers.
17. The applicant will be required to provide a Construction Traffic Management Plan (CTMP) prior to commencement of development. The CTMP should include (but not be limited to):
 - a) Details of the proposed construction access to the site. The gate must be set back sufficiently to allow the largest delivery vehicle to stop clear of the highway.
 - b) Tracking is required to demonstrate access into / out of the site and sufficient set back of the gates. This is to be conducted with the largest construction vehicle that will be accessing the site.
 - c) Details of routing to / from the site
 - d) Details of hours of operation and delivery times
 - e) Details of wheel washing and other measures to prevent the discharge of dust and other materials onto the public highway is needed. This is likely to include a wheel washing facility. Furthermore, road sweeping will be necessary if there is any debris deposited onto the highway (not just periods of wet weather) or notification is given from the local authorities.
 - f) Detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as the loading/unloading point, turning and queuing for HGVs.

The development shall thereafter proceed only in accordance with the approved CTMP.

18. The development hereby permitted shall not be commenced until details of a strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted has been submitted to and approved in writing by the local planning authority. This strategy will include a preliminary risk assessment which has identified the following components:
 - 1) All previous uses
 - 2) Potential contaminants associated with those uses
 - 3) A conceptual model of the site indicating sources, pathways and receptors
 - 4) Potentially unacceptable risks arising from contamination at the site
19. A site investigation scheme, based on condition 18 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those onsite shall be submitted to and approved in writing by the local planning authority. This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management or any procedures revoking or replacing those procedures.

20. Based on the risk assessment referred to in condition 19 an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken shall be submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval of the scheme. This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management or any procedures revoking or replacing those procedures.
21. Remediation of the site shall be carried out in accordance with the approved remedial option. The local planning authority must be given two weeks' written notification of the date of commencement of the remediation scheme works.
22. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.
23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
24. No development above slab level shall commence until an Open Space Management and Maintenance Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include the following:
 - a) A plan identifying the area of Open Space as shown hatched on plan reference HNR 23 011D and any associated infrastructure to be managed.
 - b) Details of the proposed management body responsible for the long-term management of these areas.
 - c) A schedule of maintenance operations for each type of space, including frequency.
 - d) Details of inspection and monitoring.The approved Plan shall be adhered to throughout the lifetime of the development.

End of schedule